

Remarks/Arguments

The title of the specification was changed to be descriptive of the invention, as requested by the Examiner.

No new matter was added to the specification.

REJECTION OF CLAIMS 1-2, 4-7, and 9-20 UNDER 35 U.S.C. § 103

In the Office Action, the Examiner rejected Claims 1-2, 4-7, and 9-20 under 35 U.S.C. 103(a) as being unpatentable over 2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779 to Noguchi and U.S. Patent 6,018,764 to Field. Applicants disagree.

In Claim 1, the Applicants claim, "first and second data identifiers are derived from program map information associating said Internet data with video program content represented by said first decoded video output," (emphasis added). This claimed element is neither present in the Schein nor the Noguchi reference.

In response to the Applicants' argument above, the Examiner in the Office Action states the reference discloses:

"that the headers of the data received from the satellite are read and the MPEG data is sent to decoder 25 and that EPG data is sent to buffer 51 (column 4, lines 27-43). As all the data is digital data, a packet id and a program map must be included in order to read the data and transmit the data to the appropriate location.

The Examiner further states that newly cited reference Field, "discloses the use of a program map table and MPEG and HTML PIDS (column 5-6). Schein must include an identifier associating video content with internet content as Schein discloses in Figure 13b. "

Applicants disagree with the Examiner. The Applicants note that the system of Schein does not disclose or require use of a program map is used to separate between video and Internet data in the manner suggested by the Examiner.

Applicants submit that Schein actually teaches away from the need of the claimed "program map" as suggested by the Examiner.

For example, in Fig. 1 of Schein, a computer system 10 is shown as with a television system 30.

The Examiner in the Office Action states that Schein discloses, "the Internet information may be in the TCP/IP format and is retrieved via a cable modem, " (Office Action, page 4, 18-20). Specifically, the Schein reference discloses the operation where video content and Internet content are received by separate means, where the reference teaches away from the inclusion or use of a program map.

Schein discloses that access to the Internet may be provided through a cable modem. The operation of the cable modem with an embodiment of Schein is disclosed in Fig. 8 where a cable modem 518 is coupled to the Internet. Within the described operation of the cable modem 518, there is no disclosure or suggestion that the data received from the Internet is transmitted with video data that would require the use of a program map to separate out both sets of data (Schein page 7, paragraph 61). In fact, Schein refers to this section as allowing "access to the internet without tying up any phone lines, an without the need for a personal computer," suggesting that a phone based modem would otherwise be used for receiving Internet data, not for receiving video data requiring a program map, as suggested by the Examiner.

Schein suggests that the data received from cable modem 518 is received and processed by an entirely different process than a video signal. As known in the art and suggested in Schein, a separate cable modem is used to receive Internet data, while a second means is used to demodulate an RF based video signal. Within the context of these two operations, a program map is not used for separating video and Internet data as suggested by the Examiner, both a video signal and the signal containing Internet data are modulated differently without the need of a program map.

Hence, Schein does not disclose or suggest the need for the program map of Noguchi and Field as for the combination suggested by the Examiner.

Applicants respectfully assert that Claim 1 is patentable for the reasons listed above. Applicants request that the Examiner remove the

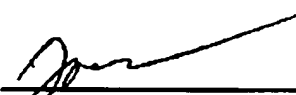
rejection to this claim. Applicants also request that the Examiner remove the rejection to Claims 2, 4-7, and 9-20 for the same reasons listed in connection with Claim 1.

Applicants also assert that Claims 3 and 8 are patentable for the same reasons listed in connection with Claim 1.

Applicants also request a two month extension for the filing of this response under 37 C.F.R. 1.17(a)(2). The fee for \$420.00 as owed in connection with this request is to be charged to Deposit Account 07-0832. This deposit account is to be used if any additional fees are owed in connection with this action.

The Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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Certificate of Transmission under 37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted to the Hon. Commissioner for Patents at the telephone number (703) 308-5359 on January 14, 2004


Joel M. Fogelson